

# Late Backup

Item #79

4/7/11

## RESOLUTION NO.

**WHEREAS**, the City Council was requested to review and approve the use of certain portions of dedicated parkland known as Town Lake – Holly Shores Park for purposes of accessing, constructing, maintaining, repairing and replacing a storm drain line and related appurtenances in connection with the Lady Bird Lake/East 4th Street Drainage Improvements project (CIP ID 5789.028) (collectively, the “Proposed Use”); and

**WHEREAS**, notice of public hearing to be held on April 7, 2011 was given for three consecutive weeks on March 13, March 20, and March 27, 2011 in a newspaper of general circulation; and

**WHEREAS**, such public hearing was held April 7, 2011 by the City Council to consider the use of parkland for the Proposed Use; **NOW, THEREFORE,**

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

Having taken into account clearly enunciated local preferences, the City Council finds that there is no feasible and prudent alternative to the use of the parkland detailed in the attached Exhibit A for the Proposed Use and that all reasonable planning has been done to minimize harm to the parkland from the Proposed Use. The use of the parkland for the Proposed Use is approved.

The City Manager is authorized to take such measures as may be necessary, favorable or required to effectuate the purpose and intent of this Resolution.

**ADOPTED:** \_\_\_\_\_, 2011    **ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk





**MACIAS & ASSOCIATES, L.P.**  
LAND SURVEYORS

EXHIBIT " A "

CITY OF AUSTIN  
(PERMANENT USE AREA)

February 21, 2011

**LEGAL DESCRIPTION**

DESCRIPTION OF A 0.055 ACRE (2,382 SQUARE FOOT) TRACT OF LAND OUT OF OUTLOT NO. 42, DIVISION "O" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF SAID GOVERNMENT OUTLOTS ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF THE FOLLOWING TRACTS OF LAND: 1) A PORTION OF LOT 11 OF THE ANNEX TO RIVER VIEW ADDITION, A SUBDIVISION RECORDED IN VOLUME 301, PAGE 149, DEED RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO THE CITY OF AUSTIN IN A WARRANTY DEED DATED FEBRUARY 19, 1975, RECORDED IN VOLUME 5132, PAGE 957, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND 2) A PORTION OF LOT 10 OF SAID ANNEX TO RIVER VIEW ADDITION, CONVEYED TO THE CITY OF AUSTIN IN A WARRANTY DEED DATED APRIL 11, 1968, RECORDED IN VOLUME 3455, PAGE 2299, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.055 ACRE (2,382 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 60d nail set having Texas State Plane Coordinate (Central Zone, NAD83/Harn, U.S. Feet) values of N=10,064,931.40, E=3,123,302.65, in the south right-of-way line of Canterbury Street, a 60-foot wide right-of-way, and in the north line of Lot 11 of said Annex to River View Addition, for the northwest corner of this tract, from which a ½-inch diameter iron pipe found at the common north corner of Lot 4 and Lot 5 of said Annex to River View Addition, and in the said south right-of-way line of Canterbury Street, bears N 69°34'58" W, with the said south right-of-way line, at a distance of 204.50 feet pass a ½-inch diameter iron pipe found at the common north corner of Lot 6 and Lot 7 of said Annex to River View Addition, continuing in all a distance of 303.15 feet;

**THENCE**, S 69°34'58" E, with the said south right-of-way line of Canterbury Street and the north line of said Lot 11 a distance of 15.00 feet, to a 60d nail set for the northeast corner of this tract;

**THENCE**, crossing through the interior of said Lot 11 and Lot 10, the following five (5) courses:

5410 South 1<sup>st</sup> Street • Austin, Texas 78745 • (512) 442-7875 • Fax (512) 442-7876  
w w w . m a c i a s w o r l d . c o m

- 1) S 20°25'02" W, a distance of 119.82 feet to a "X" chiseled in concrete for the southeast corner;
- 2) N 89°54'46" W, a distance of 49.41 feet to a 60d nail set for the southwest corner of this tract;
- 3) N 00°05'14" E, a distance of 15.00 feet to a 60d nail set for a corner;
- 4) S 89°54'46" E, a distance of 38.98 feet to a 60d nail set for an interior corner;
- 5) N 20°25'02" E, a distance of 109.38 feet to the **POINT OF BEGINNING** and containing 0.055 acre (2,382 square feet) of land.

**BEARING BASIS NOTE**

The bearings described herein are Texas State Plane Grid Bearings, (Central Zone, NAD83/Harn). Project control points were established from City of Austin reference point "EUD 267" having coordinate values of N=10,061,555.69, E=3,118,841.62, combined scale factor = 1.00011.

THE STATE OF TEXAS    §  
  §        KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS    §

That I, Carmelo L. Macias, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 21st day of February, 2011, A.D.



Macias & Associates, L.P.  
5410 South 1<sup>st</sup> Street  
Austin, Texas 78745  
512-442-7875

*Todd Blenden*

\_\_\_\_\_  
Todd Blenden  
Registered Professional Land Surveyor  
No. 6186 – State of Texas

**REFERENCES**

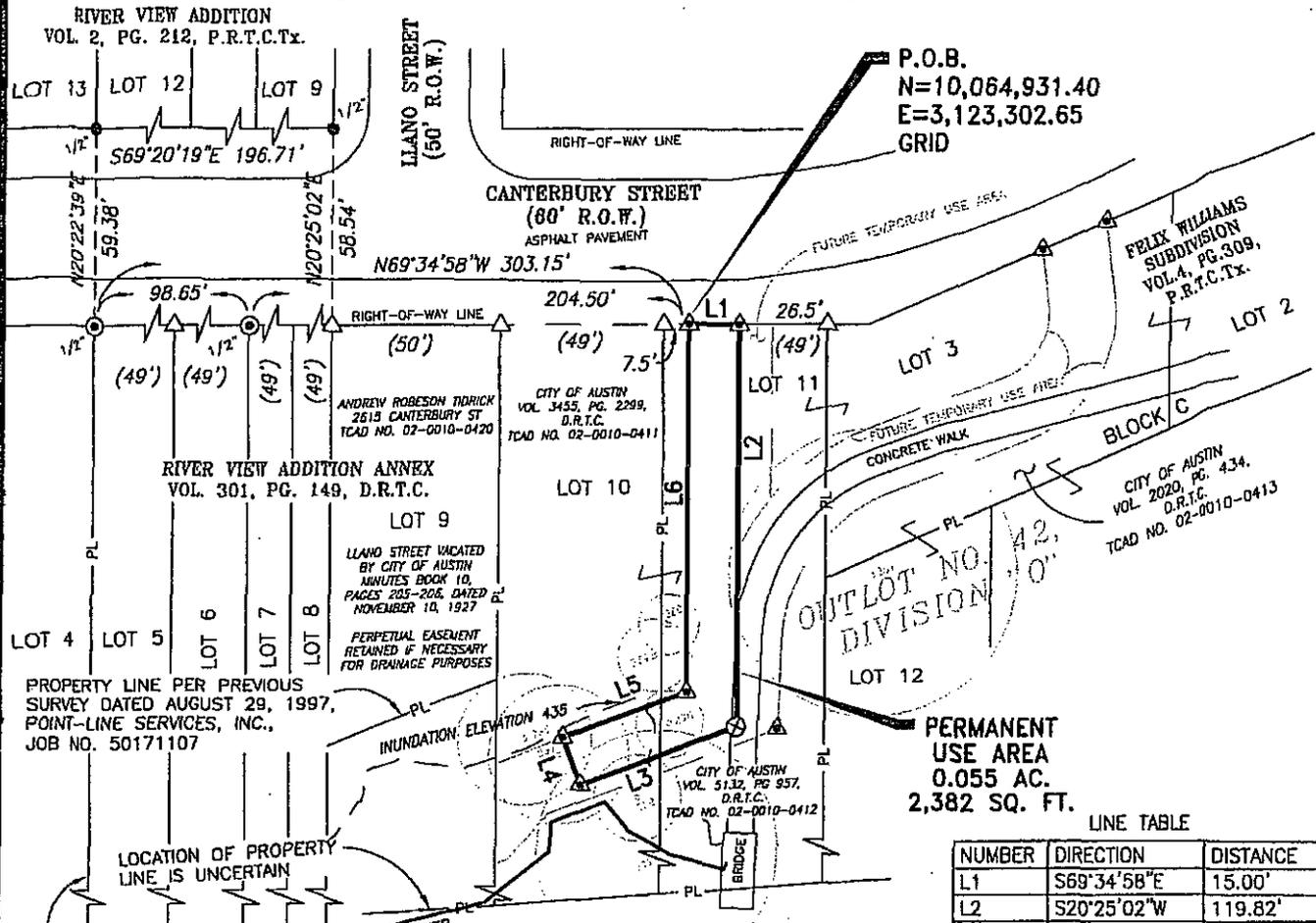
MAPSCO 2009 615H  
Austin Grid No. K-21  
TCAD PARCEL ID NOs. 02-0010-0411, 02-0010-0412  
MACIAS & ASSOCIATES, L.P., PROJECT NO. 365-20-10

FIELD NOTES REVIEWED

By: *Mary Hanks* Date *2/22/11*

Engineering Support Section  
Department of Public Works  
and Transportation

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



P.O.B.  
 N=10,064,931.40  
 E=3,123,302.65  
 GRID

CANTERBURY STREET  
 (80' R.O.W.)  
 ASPHALT PAVEMENT

RIVER VIEW ADDITION  
 VOL. 2, PG. 212, P.R.T.C.Tx.

RIVER VIEW ADDITION ANNEX  
 VOL. 301, PG. 149, D.R.T.C.

FELIX WILLIAMS  
 SUBDIVISION  
 VOL. 4, PG. 309,  
 P.R.T.C.Tx.

CITY OF AUSTIN  
 VOL. 2020, PG. 434,  
 D.R.T.C.  
 TCAD NO. 02-0010-0413

CITY OF AUSTIN  
 VOL. 5132, PG. 957,  
 D.R.T.C.  
 TCAD NO. 02-0010-0412

ANDREW ROBESON THORICK  
 2515 CANTERBURY ST  
 TCAD NO. 02-0010-0420

LLANO STREET VACATED  
 BY CITY OF AUSTIN  
 MINUTES BOOK 10,  
 PAGES 205-206, DATED  
 NOVEMBER 10, 1927  
 PERPETUAL EASEMENT  
 RETAINED IF NECESSARY  
 FOR DRAINAGE PURPOSES

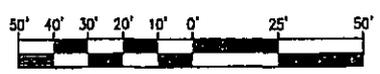
PERMANENT  
 USE AREA  
 0.055 AC.  
 2,382 SQ. FT.

LINE TABLE

| NUMBER | DIRECTION   | DISTANCE |
|--------|-------------|----------|
| L1     | S69°34'58"E | 15.00'   |
| L2     | S20°25'02"W | 119.82'  |
| L3     | N89°54'46"W | 49.41'   |
| L4     | N00°05'14"E | 15.00'   |
| L5     | S89°54'46"E | 38.98'   |
| L6     | N20°25'02"E | 109.38'  |

### LEGEND

- 1/2" IRON ROD FOUND
- ⊙ 1/2" IRON PIPE FOUND
- ⊗ X CHISELED IN CONCRETE
- ▲ 60D NAIL SET
- △ CALCULATED POINT
- PL — PROPERTY LINE
- BK., VOL., PG. BOOK, VOLUME, PAGE
- T.C.A.D. TRAVIS COUNTY APPRAISAL DISTRICT
- P.R.T.C.Tx. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- ( ) RECORD INFORMATION



GRAPHIC SCALE

1"=50'

### BEARING BASIS:

ALL BEARINGS SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83/HARN. THE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE POINT "EUD 267" HAVING COORDINATE VALUES OF N=10,061,555.69, E=3,118,841.62. ALL DISTANCES SHOWN ARE SURFACE DISTANCES, COMBINED SCALE FACTOR = 1.00011.

STATE OF TEXAS }  
 COUNTY OF TRAVIS }

I hereby certify that this sketch was prepared from the results of an actual survey made on the ground under my supervision and that it is true and correct to the best of my knowledge.



*Todd Blenden* 2-21-2011

Todd Blenden Date:  
 Registered Professional Land Surveyor  
 No. 6186 - State of Texas

DATE: 2-15-11  
 DRAWN BY: T.BLENDE  
 MAIN JOB NO.: 365-20-10  
 REFERENCE: F.B. 546, PG. 67

J:\JOBS\ALAN PLUMMER\LLANO ST DRAINAGE IMP\365-17-09\DWG\PLA.DWG

**MACIAS & ASSOCIATES, L.P.**  
 LAND SURVEYORS

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5410 SOUTH 1ST STREET  
 AUSTIN, TEXAS 78745 PH. (512)442-7875  
 FAX (512)442-7876 WWW.MACIASWORLD.COM



**MACIAS & ASSOCIATES, L.P.**  
LAND SURVEYORS

EXHIBIT " \_\_\_\_\_ "

CITY OF AUSTIN  
(TEMPORARY USE AREA)

February 21, 2011

**LEGAL DESCRIPTION**

DESCRIPTION OF A 0.013 ACRE (581 SQUARE FOOT) TRACT OF LAND OUT OF OUTLOT NO. 42, DIVISION "O" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF SAID GOVERNMENT OUTLOTS ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF LOT 11 OF THE ANNEX TO RIVER VIEW ADDITION, A SUBDIVISION RECORDED IN VOLUME 301, PAGE 149, DEED RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO THE CITY OF AUSTIN IN A WARRANTY DEED DATED FEBRUARY 19, 1975, RECORDED IN VOLUME 5132, PAGE 957, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.013 ACRE (581 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 60d nail set having Texas State Plane Coordinate (Central Zone, NAD83/Harn, U.S. Feet) values of N=10,064,926.17, E=3,123,316.71, in the south right-of-way line of Canterbury Street, a 60-foot wide right-of-way, and in the north line of Lot 11 of said Annex to River View Addition, for the northwest corner of this tract, from which a ½-inch diameter iron pipe found at the common north corner of Lot 4 and Lot 5 of said Annex to River View Addition, and in the said south right-of-way line of Canterbury Street, bears N 69°34'58" W, with the said south right-of-way line, at a distance of 219.50 feet pass a ½-inch diameter iron pipe found at the common north corner of Lot 6 and Lot 7 of said Annex to River View Addition, continuing in all a distance of 318.15 feet;

**THENCE**, S 69°34'58" E, with the said south right-of-way line of Canterbury Street and the north line of said Lot 11 a distance of 10.00 feet, to a 60d nail set for the northeast corner of this tract;

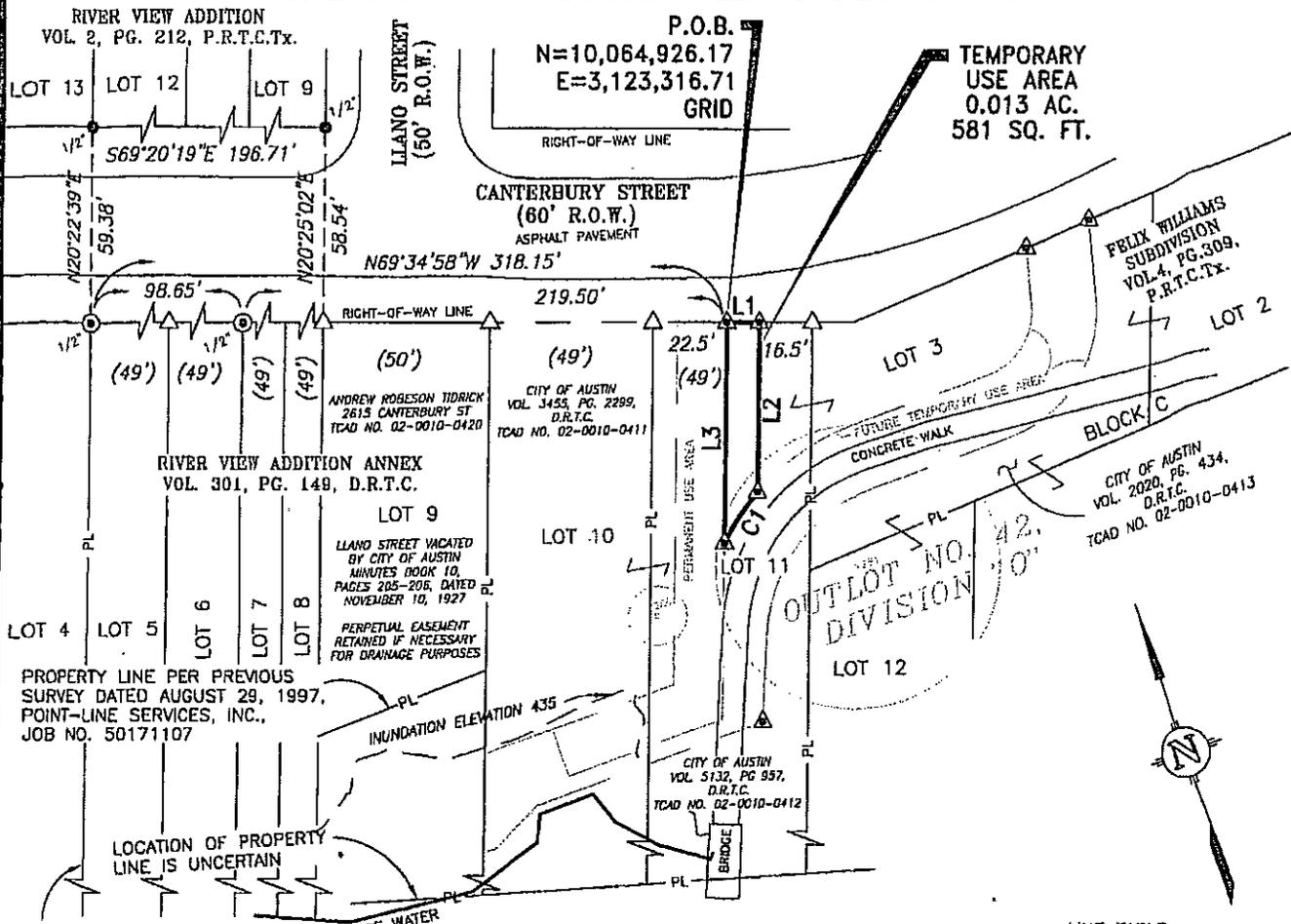
**THENCE**, crossing through the interior of said Lot 11 the following three (3) courses:

- 1) S 20°25'02" W, a distance of 51.03 feet to a 60d nail set for the southeast corner;
- 2) With the arc of a curve to the left having a radius of 70.00 feet, an arc distance of 18.60 feet, a delta-angle of 15°13'26", and a chord which bears S 53°02'57" W, a distance of 18.54 feet to a 60d nail set for the southwest corner of this tract;

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w w w . m a c i a s w o r l d . c o m

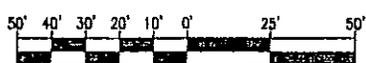


# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



SIDE PROPERTY LINES PER PLAT VOL. 301, PG. 149, D.R.T.C., EXTENDED TO ORIGINAL RIVER BANK

LADY BIRD LAKE



GRAPHIC SCALE  
1"=50'

LINE TABLE

| NUMBER | DIRECTION   | DISTANCE |
|--------|-------------|----------|
| L1     | S69°34'58"E | 10.00'   |
| L2     | S20°25'02"W | 51.03'   |
| L3     | N20°25'02"E | 66.65'   |

CURVE TABLE

| NO. | RADIUS | ARC DIST. | DELTA ANGLE | CHORD BEARING | CHORD DIST. |
|-----|--------|-----------|-------------|---------------|-------------|
| C1  | 70.00' | 18.60'    | 15°13'26"   | S 53°02'57" W | 18.54'      |

**BEARING BASIS:**  
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STATE OF TEXAS }  
COUNTY OF TRAVIS }

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*Todd Blenden* 2-21-2011  
Todd Blenden Date:  
Registered Professional Land Surveyor  
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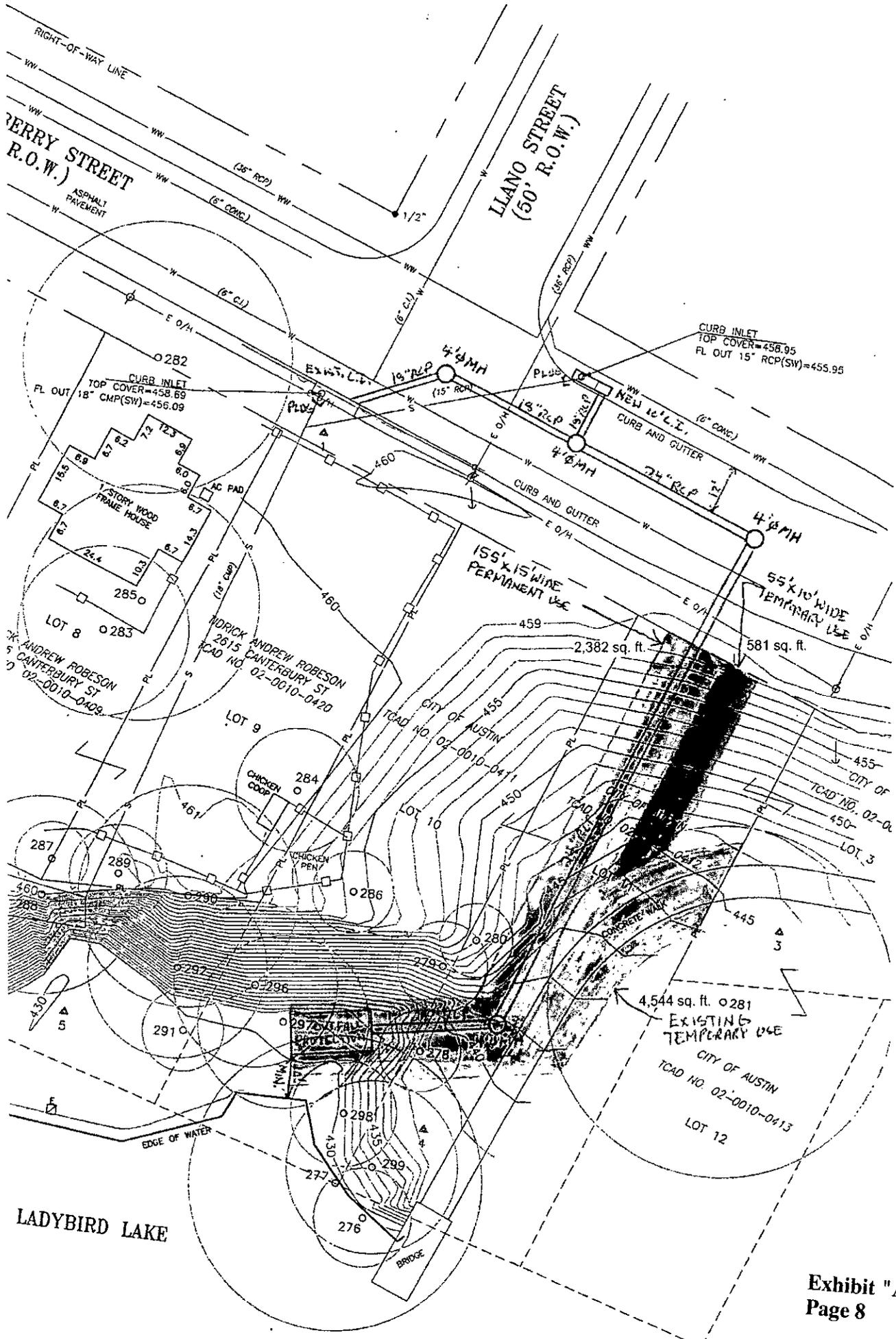
**LEGEND**

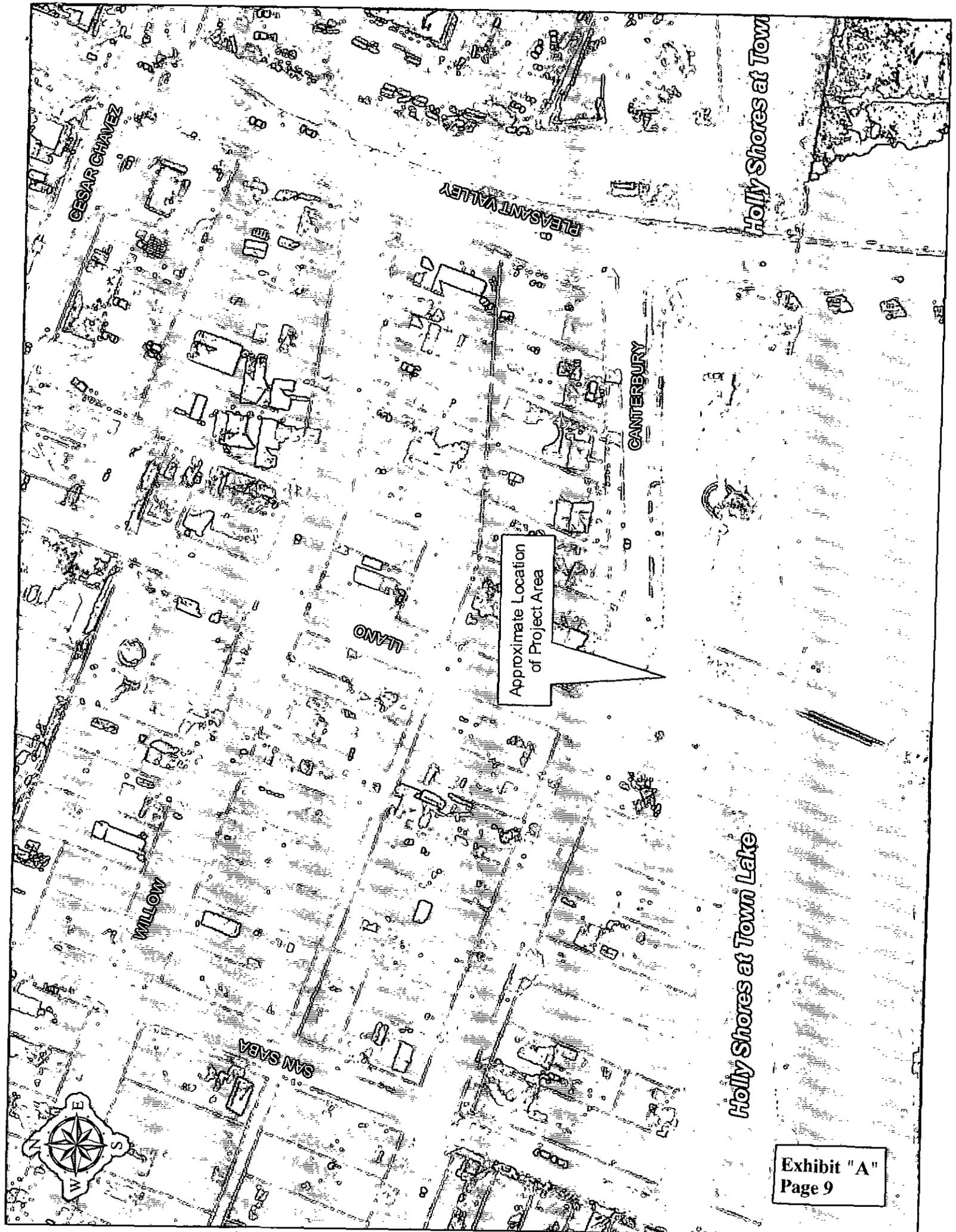
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- ⊙ 1/2" IRON PIPE FOUND
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- BK., VOL., PG. BOOK, VOLUME, PAGE
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- ( ) RECORD INFORMATION

J:\JOBS\LAN PLUMMER\LLANO ST DRAINAGE IMP\365-17-09\DWG\TUA.DWG

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CESAR CHAVEZ

PLEASANT VALLEY

Holly Shores at Town

CANTERBURY

Approximate Location  
of Project Area

ONYX

Holly Shores at Town Lake

WILLOW

SAN SANTIAGO



Exhibit "A"  
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